

**Minutes of the State Advisory Panel on Special Education (SAP)
For the District of Columbia
December 14, 2006**

Introduction

The meeting was called to order at 5:45 pm by Chair Joseph Sternlieb. Introductions were made. No Chairman's report was presented.

Three sets of guest were in attendance including: Victor Reinoso, Incoming Deputy Mayor of Education; Dr. Peter Leone, University of Maryland, Department of Special Education; and Bonnie Cain and Joseph Harris from the Fenty Education Transition (e-transition) Team. The Panel was also joined by Dr. Clifford Janey, DCPS Chief State School Officer and Superintendent and Board of Education President-elect Robert Bobb.

Melisa Rawles introduced Dr. Leone and provided a quick overview of the study – based on the concerns of last year's ad hoc committee on incarcerated youth with disabilities, SAP contracted with Dr. Leone to gather more information about this population.

Students with Disabilities in Juvenile and Adult Corrections Presentation

Following are key highlights from Dr. Leone's presentation. For additional information, please review the *Special Education Services for Students in Juvenile and Adult Corrections in the District of Columbia* report which was provided at the meeting

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Dr. Leone has worked in and out of Oak Hill since 1990 in various capacities. That experience has provided him with some sense of how things have changed over time.

Background

Generally, incarcerated youth perform about 4 years below their peers academically. Characteristics of incarcerated youth are:

- The prevalence of conditions such as mental retardation, learning disabilities, and emotional disturbance is three to five times the rate of these conditions in the public schools.
- Youth often have multiple mental illnesses and/or are exposed to multiple risk factors associated with delinquent behavior.
- Mental health and substance abuse problems of these youth are co-morbid with other factors that place youth at-risk for negative life outcomes.

This study looked at how many students are receiving services in the District of Columbia. The following is a breakdown of the location where services are offered.

- At the *Youth Services Center (YSC)* approximately, 18 of the 75 youth or 24 percent of all residents were identified and most students are receiving appropriate special education services. YSC generally has the best space and offers the best services.

- At *Oak Hill Youth Center (OH)* 53 of 101 youth or 52 percent of the residents were identified and receiving special education services. Oak Hill was built in the 1960's - as the number of students drop (average student number is about 90), there is more space available. There is currently tension at the school because the staff is concerned that DYRS will be contracting out services in the future.
- At the DC Jail on September 26, 2006, 44 students were receiving special education services. There are many challenges at the DC Jail including adequate space for students.
- Nationally, a 2002 study indicated that approximately 34 percent of youth in long-term juvenile corrections were receiving special education services

Recommendations

Dr Leone provided recommendations for improvement in the following areas:

- Prevention and Alternative Services for Youth in DCPS
 - High quality alternative education programs.
 - Use mentoring, targeted in-school interventions, and community-based options to ensure students' success.
 - Ensure that students who exhibit behavioral problems in schools and who have inadequately developed academic skills are not pushed out of public high schools or charter schools.
 - Expand the range of out-patient mental health services available to youth and their families.

- Track a cohort of students and see if we are satisfied with the outcomes.
- Special Education Services at YSC, Oak Hill, and the DC Jail
 - At YSC and OH, promote collaboration between DCPS and DYRS in meeting the needs of youth. Conduct joint staff development activities and develop a unified behavior management system to promote more effective services and support for youth.
 - Ensure that staff at the correctional facilities as well as staff at community schools has access to and use ENCORE and STARS to determine students' special education status, credits earned, and other relevant information about their education.
 - Increase youth access to positive behavioral interventions and supports.
 - Continue to support parent and family involvement in IEP meetings, back to school nights, and special activities at YSC and OH. Provide transportation to enable parents to attend meetings and activities.
- Transition
 - Maintain orientation and transition practices at Oak Hill. Re-establish an intake period that promotes socialization of youth prior to entering the regular school program.
 - At all sites, draft exit plans for youth within a few days of entry. Review and modify these plans as youth develop new skills and as their interests, aspirations, and post-incarceration options change.

- With DYRS and DOC, develop specific policies for the transition of youth from juvenile corrections to public schools and the community. Use students' IEPs as a vehicle to identify and obtain appropriate services.
- Planning and Evaluation
 - The Special Education Advisory Committee should promote more adequate services for youth with disabilities in juvenile and adult corrections in the District of Columbia.
 - DYRS, DCPS, and DOC should develop plans and begin tracking groups of youth in their care and custody. In middle and high school, DCPS should track youth who may be vulnerable to juvenile court involvement. At YSC, Oak Hill, and the DC Jail, DCPS, DYRS, and the DOC should monitor youth during their incarceration and following their return to the community.

Victor Reinoso Remarks

Sternlieb introduces Victor Reinoso, current school board member who served on the Ad Hoc Committee on Special Education and Incoming Deputy Mayor on Education.

Mr. Reinoso thanked SAP for the invitation and appreciates its work in this critical role. Mr. Reinoso looks forward to a continued dialogue with this Panel and will continue his efforts in support of improvements in special education delivery within DCPS and the city at large, especially in light of the serious challenges with the charter schools and other places that provide education to students with disabilities. Mr. Reinoso will be

other places that provide services to students with disabilities. Mr. Reinoso will bring that perspective to his new position as the incoming Deputy Mayor of Special Education. Formally as a member of the Ad Hoc Committee on Special Education, he helped develop a series of recommendations which Dr. Janey has begun to work on. Mr. Reinoso looks forward to helping on the executive side in facilitating the implementation of those recommendations as well as other reforms. He knows that the e-transition (Fenty Transition Team) has spent a fair amount of time looking at some of these issues and will be presenting recommendation to the Panel for comments and feedback. Mr. Reinoso emphasized that these are only recommendations and encourages the Panel to be excited if you like them, but stressed that if there are issues don't read too much into the recommendations in terms of commitments from the new administration.

Dr. Janey Remarks

Dr. Janey reiterated DCPS' firm commitment to being present and working with the Panel. He will rely on his bench, Gail Amos and Abbey Hairston to provide a status update on the hearing officers which was promised at the last meeting.

Bonnie Cain/Joseph Harris Presentation (E transition)

The Fenty Transition is made up of many parts including theme transitions:

- Town Hall transition – present in every ward.
- Theme Transition – have been going on. There is one school element which you may participate in.

- E- Transition – looking for people who have spent time thinking about the issues and want to take further steps and engage in webinars (electronic chats).

The pre-transition team will present their proposal to Mayor-elect Fenty. The Panel is going to be extremely important in any consideration of proposals. We are just talking at this point and would like to discuss these proposals with this group. The transition team recommends that that the Mayor:

1. Fulfill the State Education Agency (SEA) function including the enforcement, oversight, and compliance of federal special education funding requirements.
2. Establish a city-wide service center for DCPS and charter schools.

The Panel expressed several concerns:

- Why was only one chat held with limited involvement from parent on special education before the draft of recommendations was developed?

Response: A draft has not been developed or issued. The recommendations were included in a pre-draft document. There have been several requests for face to face meetings and the transition team is looking to hold a meeting sometime next week after Reinoso's webinar. Although they are running out of time, they are looking to continue working once the new administration begins. They will work on keeping the chats going.

Sternlieb also commented that input doesn't end with the installation of the new administration. During conversation with Winter, he learned that they (Reinoso and his

administration. During conversation with Victor, he assured that they (Remoso and his cabinet) plan to continue attending meetings on a regular basis and want feedback/input from the Panel.

- Have there been any recommendations for dispute resolution services?

Response: The e-transition will propose a better way of delivery. Mediation presents different levels of challenge. The first challenge deals with the legal structure of what takes place in the SEA and LEA levels. Secondly, it involves the institutional capacity building and the structure to handle the processing of paperwork, the capacity building for the personnel to do the work, and providing trained mediators. It is gradual process. The first thing is trying to come up with an organizational model where these services will be performed that would align and address IDEA regulation requirements. The next step would be to do an analysis of DCPS' performance and capacity institutionally and individually with professional staff. There needs to be a determination of what is necessary not only to increase DCPS' capacity, but also to augment those services at the state level. We must determine whether to augment through DCPS or transfer through the state area. The missing ingredient is an accountability system because it is very difficult to self monitor especially when you are trying to dig your way out of an overloaded system that is has been in place for decades. Removing the responsibility of compliance would be one way to help things get better. Another way is developing an infrastructure of a record keeping system. Mayor-elect Fenty will propose a more sophisticated record keeping system that could be applied to this as well.

- Some people in the community were excluded by the online chats because they were inaccessible. This left many people feeling left out. Please take into consideration that everyone does not have access to the computer and are not technologically savvy.
- In taking over the state function, is there a plan to also take over the state complaint office and monitoring offices? Can you also elaborate on the parent service center?

Response: We are looking at all IDEA listed state performance requirements and then looking to see where these functions are currently being performed, how effectively they are being performed, how they would be performed in a state office, and what would be the required transition. One idea is to build upon the regional states or larger LEA (Montgomery or Fairfax County). We need to examine whether there could be a category that is not SEA or LEA, but provide citywide service that could be a compliance monitoring piece by the SEA as a short term option. If necessary over time, those services could eventually move to the state office. The challenge is to keep the momentum going until the transition is complete. There is also a shortage of trained hearing mediators, hearing officers, school psychologists, special service delivery staff which is similar to a shortage of qualified special education teachers (as referenced in the earlier presentation). The first step is to separate the SEA and LEA and the gray area of the LEA that we would probably include in citywide services. There must also include consideration of charter LEAs.

Robert Bobb (School Board President-Elect)

Thanked the Panel for the work it has been doing in this very important area because it is one of the top priority areas in the District of Columbia. Previously as the City Administrator, he was very concerned about special education and was fully briefed and met regularly by special education parents.

Bobb will be examining what has been done and what work and/or reporting is currently being done by the Superintendent and his team in terms of defining the bright line between SEA and LEA functions. He hopes that these reports will be done independently by Dr. Janey and his team and others in the community so that whatever is presented to the community will have a broad cross section of thoughts. The expectation is that policies and timetable will be included in this final report with a plan for transition. A comprehensive plan should be developed rather than piecing together different steps. He also hopes that there will be a legal opinion/determination that brings clarity as to whether transportation is a state or local function. There are various opinions on this subject, however no clarity in this area.

- The Panel asked who would issue clarification.

Response: Bobb hopes the board would provide clarification as recommendation are being advanced. Conflicts are being highlighted in a report by Sharon Bland as well as those previously reflected in the Panel's annual report. This remains an operation and

funding issue which requires both policy consideration and management consideration. The time is right for this conversation and Bobb hopes the Panel will move quickly and have a robust conversation about this issue, not in a political way, but an operational way to help serve parents of students with disabilities.

Panel questions include:

- Has a timeline been developed under the mandated improvement plan from Office of Special Education Programs (OSEP) to separate the SEA and LEA functions?

Response: The plan is in draft form. The Department of Education (DOE) is working for setting up a timeline with DCPS for various outcomes.

- Were there mandates as to what specific functions needed to be immediately shifted?

Response: No, DCPS gave DOE our plan in response to the letter and still working to finalize the plan.

DCPS interpreted the separation to be an internal one. The functions would occur with DCPS.

Bobb's preference is to see the body of the research closely examining this issue

including his own report and has also read prior studies. The Superintendent is leading an effort where internal separations to be done. Relocation should be to a strong state body with a clean separation of responsibilities including Blackmon Jones and transportation. The SEA and LEA must be held to a standard of accountable. Bobb is asking the Panel ensure that there is openness and comprehensiveness; decision should be based on data and research with a good evaluation of what is really working in other jurisdictions (to determine what are the similarities and differences).

Bonnie Cain stated that there is a need for a firewall between the SEA and LEA. There is discussion of establishing a servicing agency to provide reliable services. In addition there is a need for charters to be better monitored with improved accountabilities for all LEA. The Panel will serve as a major decision body in this area.

- What is the Service center?

Response: Middle ground with shared responsibilities or it remains in the LEA where state gets more involved in the process with monitoring so there is a level of better interaction to look at compliance. We could have a hybrid system that would offer much needed services that could belong to one agency or another or be in transition from the LEA level to SEA level. It is just a conceptual design at this point. Testing to see whether we can offer the hearing and mediation services to charters and DCPS as a service through the state, but doing at the regional level with testing, mediation, placement being handled through a citywide service center.

Hearing Officer Update

Gayle Amos and Abbey Hairston (DCPS General Counsel) provided updates on the hearing officer. They were unsure as to how many applicants applied for hearing officers positions. They hope to make a selection for the new hearing officers by next week and begin training sometime in January. The hearing officers will be an independent body. There is a Panel within DCPS who is making the selection of hearing officers. This Panel does not include special education departments/employee or departments/employees that could potentially work with special education students or related issues.

The Panel raised the following concerns with DCPS:

- Will current Hearing officers have the opportunity to reapply?

Response: Yes.

- There was a shortage of applicants during the prior selection of Hearing Officers which led to the current ones and hopes that will not be the case this time.
- Will parents be a part of the Panel to select hearing officers?

Response: No.

- Panel members expressed concerns that parents were not asked to sit on the Panel to select hearing officers especially in light of their extensive experience with DCPS and due process hearing process. The Panel requested and recommended that parents be considered and included in these types of issues in the future.

Response: DCPS suggested that parent participation could cause a conflict of interest.

- Were there any legal/policy reasons which precluded parents from being involved in this selection process?

Response: DCPS reiterated that parent participation could be a conflict of interest.

The Panel suggesting using parents that do not currently have students in the system or who do not have pending due process hearings. Inclusion would encourage a spirit of working together and it would bring credibility to the process.

- How many hearing officers will be selected?

Response: DCPS indicated that approximately 12 hearing officers would be hired. There were previously eight hearing officers.

- How will the protest impact this process?

Response: It may prevent the process from moving forward.

DCPS is currently looking at whether there will be a physical separation for hearing officers? They are currently looking at space and equipment needs. The timeline is aggressive as there is a commitment to move quickly.

Other Business

The minutes were approved and accepted by a quorum.

Sternlieb requested that the Panel review the letter to Mayor-Elect Fenty and provide comments to Melisa Rawles by tomorrow, December 15, 2007.

The meeting concluded at approximately at 7:40 p.m.

Members in attendance from sign-in sheets:

Tiffany Adams

Gayle Amos

Brenda Brown

Julie Camerata

Margaret Ernst

Deborah Gist

Phil Heinrich

Kim Hennrich
Karen Wills-Henry
Doreen Hodges
Kim Jones
Donna Campbell Lowery
Randall B. Moore
Marilynn Riley – on behalf of Elizabeth Parker
Jackie-Pinckney Hackett
Felicia Retland
Senora Simpson
Shauna Spencer
Joseph Sternlieb
Salandia Thomas
Cecilia Thorne
Clifford Thorne
Beverley Wheeler
Tracie Bullock Dickson – on behalf of Ellen Yun-Fatah

Other in attendance:

Glenda Partee, State Education Office
Melisa Rawles, State Education Office

Guests

Victor Reinoso

Clifford Janey

Robert Bobb

Abbey Hairston

Bonnie Cain

Joseph Harris

General Public

Sheila Carter

David Retland

Karen Settles

Carlene Thompson

Minutes by Melisa Rawles, SEO

